

Abstract

The reason why I chose the issue of determination of paternity as a topic of my thesis is the fact that most of us will meet with this institute during our lifetime.

The aim of this thesis is to analyze and describe the institute of determination of paternity, especially in the view of the applicable legislation. The thesis is composed of eight chapters.

Chapter One deals with family and parenthood and defines the basic terms, such as the biological, social and legal parenthood. Chapter Two is subdivided into two parts and focuses on the legislation of paternity. Part One describes the historical development of parenthood, part Two briefly describes the source of law which contains the current legislation. The next chapter concerns the determination of maternity, which is closely connected to the institute of paternity. Chapter Three, apart from the applicable legislation, also includes a subchapter about hidden birth and a subchapter that documents surrogacy.

The following chapter already concentrates on the current Czech legislation of determination of paternity, which is included in the civil code. This chapter consists of six parts that closely describe various possibilities of determination of paternity in the Czech republic. I particularly focus on the assumption of paternity that there is a legal basis for the determination of paternity. Chapter Five discusses the denial of paternity. In this chapter I analyze the parents' right to lodge an application to the denial of paternity, the possibility of the court to excuse term expiration and also the option of the court to commence proceedings ex officio. The subchapter Nine compares the Czech and Slovak legislation and I also mention the right of a child to initiate the process of the denial of paternity.

Chapter Six is briefly focuses on the artificial insemination. This chapter characterizes some basic terms and describes the legal terms of the artificial insemination, but mainly focuses on the determination and denial of parenthood regarding a child born by using a method of the artificial insemination.

Chapter Seven points out the process aspects which are dealing with this issue. This chapter looks at the specific signs of the paternity process. The Third part is about

the evidentiary instruments used in the paternity process.

Last chapter regards the case law, where I analyze a few judgements of the European Court of Human Rights and also one crucial judgment of the Czech Constitutional Court.